

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

BROADCAST MUSIC, INC., et al.,)	
)	
Plaintiffs,)	
)	CASE NO.:
v.)	3:07-cv-00921-MHT
)	
FOURTH QUARTER, INC. d/b/a SKYBAR)	
CAFÉ, PATRICK J. GRIDER AND DANIEL)	
GRIDER, each individually.)	
)	
Defendants.)	

**PLAINTIFFS' RESPONSE TO DEFENDANTS'
NOTICE OF FILING EVIDENTIARY SUBMISSIONS**

The Plaintiffs, Broadcast Music, Inc., et al. (collectively "BMI"), submit the following Response to Defendants' Notice of Filing of Evidentiary Submissions:

1. BMI stands by the Application to the Clerk for Entry of Default and Supporting Affidavit ("Application") filed with the Court on December 5, 2007.
2. BMI, by and through its counsel, did not attempt to leverage the Application into a settlement in any inappropriate manner.
3. In the future, BMI's counsel will communicate with Defendants' counsel in writing to avoid any misunderstanding of this sort.
4. BMI will file a timely brief on the merits.

Date: December 13, 2007.

/s/ Mark V. Lindsay _____
Mark V. Lindsay
One of the Attorneys for Plaintiffs
Admitted Pro Hac Vice

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OF COUNSEL

CERTIFICATE OF SERVICE

I hereby certify the above and foregoing Plaintiff's Response to Defendants' Notice of Filing of Evidentiary Submissions has been served on the following counsel of record, by placing a copy of the same in the United States Mail, first class postage prepaid and properly addressed this the 13th day of December, 2007:

Davis B. Whittelsey
Whittelsey, Whittelsey & Poole, P.C.
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Opelika, Alabama 36803-0106

/s/ Mark V. Lindsay
Of Counsel